

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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STALIN RODRIGO REYES ESPINOZA,

PLAINTIFF,

-against-

Index No.:

515197/19

DAVS PARTNERS LLC AND KALNITECH  
CONSTRUCTION COMPANY,

DEFENDANTS.

-----X  
DATE: April 11, 2022

TIME: 11:00 a.m.

EXAMINATION BEFORE TRIAL of the  
Defendant, DAVS PARTNERS LLC, taken by the  
respective parties, pursuant to a Court  
Order, held at the above date and time,  
before Aileen Koven, a Notary Public of the  
State of New York.

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2 A P P E A R A N C E S:  
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\* \* \*

1 HUDSON

2 what did he do?

3 A. He always doing something.  
4 It's his own office. If he has to check in  
5 something that he wants to be changed, he  
6 will give instruction or if he decide to  
7 work something like, for example, if they  
8 were doing the cage, there is a cage with  
9 all the security stuff in there. He come  
10 and help us, set it up. He basically like,  
11 I say it's his project and he will check  
12 everybody. There was nobody off limits of  
13 what is getting done. He is paying to get  
14 it done. We pretty much have to do it to  
15 his satisfaction.

16 Q. So he had supervisory authority  
17 over the entire job site?

18 A. He owns the place. So, yes.

19 Q. Did he direct the work?

20 A. Well, he would give  
21 instructions. For example, he tells me  
22 what he wants to get done and I will do my  
23 part and direct the workers that are  
24 working underneath me. He tells the  
25 general contractor what needs to get done.

1 HUDSON

2 work?

3 A. David, he is responsible for  
4 scheduling the work. I went there to do my  
5 part and he would schedule with AC guy,  
6 with the plumbers and like I say Gus always  
7 pretty much there every day. So he know  
8 what needs to get done from David.

9 Q. So David would instruct Gus  
10 what to do?

11 A. Yes. Instruct all of us. It  
12 could be something, for example, he tells  
13 us Monday, he don't want to tell us again  
14 and again. He tell us what needs to be  
15 done. He come and observe and make sure  
16 it's getting done.

17 Q. If there had to be a change  
18 order David would have to approve that?

19 A. Well, in this case he just said  
20 hey, I like that to be changed. It's not a  
21 regular process of being in the city where  
22 it's kind of major to work in a change  
23 order. With him he say hey, I would like  
24 for you to have an extra light in the  
25 office. Just by saying it we do it. We